

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Darrell Prouty,

Civ. No. 21-58 (PAM/LIB)

Plaintiff,

v.

ORDER

Department of Human
Services, MSOP, Brooke
Ness, Kirk Hill, and David
Borchardt,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Leo I. Brisbois dated February 9, 2021. The R&R recommends that the Court dismiss Plaintiff Darrell Prouty’s Complaint without prejudice and deny as moot his Application to Proceed in District Court without prepayment of fees. Prouty did not file any objections to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 3) is **ADOPTED**;
2. The Complaint (Docket No. 1) is **DISMISSED without prejudice**; and
3. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Docket No. 2) is **DENIED as moot**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: Friday, March 12, 2021

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge